

Andrew W. Caine, Esq.
(admitted *pro hac vice*)
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Boulevard, 13th Floor
Los Angeles, California 90067-4100
Telephone: (310) 277-6910
Telexopy: (310) 201-0760

Lynn L. Tavenner, Esq. (VA Bar No. 30083)
Paula S. Beran, Esq. (VA Bar No. 34679)
TAVENNER & BERAN, PLC
20 North Eighth Street, 2nd Floor
Richmond, Virginia 23219
Telephone: (804) 783-8300
Telexopy: (804) 783-0178

*Counsel to Alfred H. Siegel, as Trustee of the
Circuit City Stores, Inc. Liquidating Trust*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:) Case No. 08-35653 (KRH)
)
CIRCUIT CITY STORES, INC., <u>et al.</u> ,) Chapter 11
)
Debtors. ¹)
)
Alfred H. Siegel, solely as Liquidating Trustee)
for the Circuit City Stores, Inc. Liquidating) Contested Matter
Trust,)
)
Objector,)
)
v.)
)
CarMax, Inc.)
(Claim No. 14809),)
)
Claimant.)
)

NOTICE OF MOTION AND NOTICE OF HEARING

PLEASE TAKE NOTICE THAT the Circuit City Stores, Inc. Liquidating Trust (the “Trust”), through its Trustee, Alfred H. Siegel has filed the Motion of Alfred H. Siegel, Trustee for Summary Adjudication Disallowing in Full Claim No. 14809 Filed by CarMax, Inc. and CarMax Auto Superstores, Inc.; and Memorandum of Points and Authorities in Support Thereof

¹ The Debtors and the last four digits of their respective taxpayer identification numbers are: Circuit City Stores, Inc. (3875), Circuit City Stores West Coast, Inc. (0785), InterTAN, Inc. (0875), Ventoux International, Inc. (1838), Circuit City Purchasing Company, LLC (5170), CC Aviation, LLC (0841), CC Distribution Company of Virginia, Inc. (2821), Circuit City Properties, LLC (3353), Kinzer Technology, LLC (2157), Abbott Advertising Agency, Inc. (4659), Patapsco Designs, Inc.(6796), Sky Venture Corp. (0311), PRAHS, Inc.(n/a), XSSStuff, LLC (9263), Mayland MN, LLC (6116), Courchevel, LLC (n/a), Orbyx Electronics, LLC (3360), and Circuit City Stores PR, LLC (5512).

(the “Motion”) with the United States Bankruptcy Court for the Eastern District of Virginia (the “Bankruptcy Court”), a copy of which is simultaneously being served upon you.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in these bankruptcy cases. (If you do not have an attorney, you may wish to consult one). Under the Case Management Order (as defined hereafter) and Local Bankruptcy Rule 9013-1, unless a written response to the Motion is filed with the Clerk of Court and served on the moving party within seven (7) days before the scheduled hearing date, the Court may deem any opposition waived, treat the Motion as conceded, and issue an order granting the relief requested.

PLEASE TAKE FURTHER NOTICE THAT in connection with the Debtors’ Chapter 11 Cases, a Supplemental Order Establishing Certain Notice, Case Management and Administrative Procedures [Docket No. 6208] (the “Case Management Order”) was entered by the Court on December 30, 2009, which, among other things, prescribes the manner in which objections must be filed and served and when hearings will be conducted. A copy of the Case Management Order may be obtained at no charge at www.kccllc.net/circuitcity or for a fee via PACER at <http://www.vaeb.uscourts.gov>

PLEASE TAKE FURTHER NOTICE that on **April 23, 2014 at 2:00 p.m.**, (or such time thereafter as the matter may be heard) the undersigned will appear before The Honorable Kevin R. Huennekens, United States Bankruptcy Judge, in Room 5000, of the United States Courthouse, 701 E. Broad Street Richmond, Virginia 23219, and will move the Court for entry of an order approving the Motion.

If you do not want the Court to grant the relief sought in the Motion, or if you want the Court to consider your views on the Motion, then within seven (7) days before the hearing date you or your attorney must:

- File with the Court, at the address shown below, a written response with supporting memorandum pursuant to Local Bankruptcy Rule 9013-1 and the Case Management Order. You must mail or otherwise file it early enough so the Court will **receive** it on or before the due date identified herein.

Clerk of the Court
United States Bankruptcy Court
701 E. Broad Street, Suite 4000
Richmond, VA 23219

You must also serve a copy on:

Lynn L. Tavenner
Tavenner & Beran, PLC
20 North Eighth Street, 2nd Floor
Richmond, Virginia 23219

Robert B. Van Arsdale, Esquire
Office of the United States Trustee
701 East Broad, Suite 4304
Richmond, Virginia 23219

If you or your attorney do not take these steps, the Court may deem any opposition waived, treat the Motion as conceded, and issue orders granting the requested relief without further notice or hearing.

Dated: March 31, 2014

TAVENNER & BERAN, PLC

/s/ Lynn L. Tavenner
Lynn L. Tavenner (VA Bar No. 30083)
Paula S. Beran (VA Bar No. 34679)
20 North Eighth Street, 2nd Floor
Richmond, Virginia 23219
Telephone: (804) 783-8300
Facsimile: (804) 783-1078

- and -

Andrew W. Caine, Esq.
(admitted *pro hac vice*)
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
Telephone: (310) 277-6910
Facsimile: (310) 201-0760

*Counsel to Plaintiff Alfred H. Siegel, as
Trustee of the Circuit City Stores, Inc.
Liquidating Trust*

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of March, 2014, a true and correct copy of the foregoing was served via first class mail, postage prepaid, and/or electronic delivery to:

Paul S. Bliley Jr.
Williams Mullen
Williams Mullen Center
200 South 10th Street, Suite 1600
Richmond, VA 23219

Robert B. Van Arsdale, Esquire
Office of the United States Trustee
701 East Broad Street, Suite 4304
Richmond, VA 23219

/s/ Lynn L. Tavenner
Lynn L. Tavenner, Esquire (Va. Bar No. 30083)
Paula S. Beran, Esquire (Va. Bar No. 34679)
Tavenner & Beran, PLC
20 North Eighth Street, Second Floor
Richmond, Virginia 23219
Telephone: (804) 783-8300